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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MALIBU MEDIA, LLC, Plaintiff, v. JOHN DOE subscriber assigned IP address 68.196.87.70, Defendant.	Case No. 2:15-cv-08940-MCA-MAH

PLAINTIFF'S MEMORANDUM IN OPPOSITION TO MOTION TO QUASH OR MODIFY SUBPOENA AND MOTION TO DISMISS

Plaintiff respectfully requests the Court deny Defendant's Motion because Defendant has not provided a valid reason under Fed. R. Civ. P. 45 to quash the subpoena. Defendant's Motion appears to be a motion written for another case or plaintiff. *See* CM/ECF 7. Indeed, Defendant's sole argument in his Motion is that "Plaintiff has improperly joined 1449 Defendants." *Id.* at p. 4. And, Defendant references a complaint and exhibit that do not exist in this case. *Id.* at *7 (referring to John Doe 1240). This case is against only one individual defendant and joinder of defendants is not an issue. Moreover, Plaintiff does not send demand letters to defendants or make unsolicited phone calls.

To the extent Defendant has requested to proceed anonymously, Plaintiff does not oppose. Plaintiff simply requests it be able to receive Defendant's identifying information and proceed with its case.

For the foregoing reasons, Plaintiff respectfully requests the Court deny Defendant's motion.

DATED: May 2, 2016

Respectfully submitted,

By: */s/ Patrick J. Cerillo*

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CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2016, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Patrick J. Cerillo___